

HONORABLE RONALD B. LEIGHTON

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

DOMINIC SOLIS OLIVO,

Plaintiff,

v.

PEOPLE OF THE UNITED STATES OF
AMERICA,

Defendants.

Case No. C06-5552RBL

ORDER

THIS MATTER comes on before the above-entitled Court upon Plaintiff's Application to Proceed *In Forma Pauperis*.

Having considered the entirety of the records and file herein, the Court rules as follows:

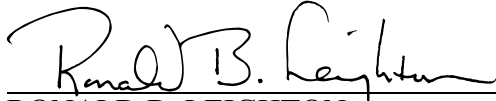
Plaintiff seeks to proceed *in forma pauperis*. In his proposed civil rights complaint under 42 U.S.C. § 1983, plaintiff names as the only defendant the "People of the United States of America." In order to state a claim under 42 U.S.C. § 1983, a complaint must allege that (1) the conduct complained of was committed by a person acting under color of state law and that (2) the conduct deprived a person of a right, privilege, or immunity secured by the Constitution or laws of the United States. *Parratt v. Taylor*, 451 U.S. 527, 535 (1981); overruled on other grounds, *Daniels v. Williams*, 474 U.S. 327 (1986). For the purposes of § 1983, the "People of the United States of America" are not a person acting under color of state law. *See generally Polk County v. Dodson*, 454 U.S. 312 (1981). Therefore, plaintiff's proposed complaint is frivolous. A proposed complaint which is frivolous may be dismissed prior to service. 28 U.S.C. § 1915(e)(2)(B). Because

1 this complaint is frivolous and may be dismissed prior to service, this Court hereby **DENIES** plaintiff's
2 application to proceed *in forma pauperis*. This case is **DISMISSED**.

3 **IT IS SO ORDERED.**

4 The Clerk shall send uncertified copies of this order to all counsel of record, and to any party appearing
5 pro se.

6 Dated this 22nd day of November, 2006.

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8 
9 RONALD B. LEIGHTON
UNITED STATES DISTRICT JUDGE